

## **ZONING AND ADJUSTMENT BOARD**

***May 4, 2009***

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, May 4, 2009, at 6:30 pm with the following members present: Larry Story – Chairman, Ron Berry, Nathan Yoder, Dossie Singleton, Frank Topping, Bailey Cassels, Frank Szczepanski, Richard Cole, Marge Thies, Brad Shepherd, and Bob Hunt.

Members Jessica Garner and Woody Hill were absent.

Aimee Webb, Development Coordinator, and Sandy Cassels, Recording Secretary, were present. Jason Smith, Zoning and Adjustment Board Attorney, was also present.

Chairman Larry Story called the meeting to order.

Mr. Shephard led the pledge of allegiance and Mr. Hunt led the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the April 20, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

Mr. Story explained the Zoning and Adjustment Board hearing is a Quasi-Judicial hearing and only competent, substantial, fact based testimony or evidence will be considered by the Board in deciding the quasi judicial matters.

Mr. Story stated “If you plan to speak during any of the public hearings, please rise and be sworn”. Those wishing to speak were sworn in by Sandy Cassels, ZAB secretary. “Finally, please state your name, address, and whether or not you have been sworn when you approach the podium to speak.”

Brad Cornelius, Planning Manager, arrived at 6:45 p.m.

### ***T2009-0014***

***Lloyd Sherwood, Trustee – Temporary Use Permit for three years to allow a RV for a caregiver’s residence.***

Shirley Sherwood, representative for the applicant, was present and requested a Temporary Use Permit (TUP) for three years to allow a RV as a caregiver’s residence. There were eight notices sent. Of the eight notices sent, one was returned in objection and none were returned in favor. Mrs. Cassels read the letter of objection into the record. There were no objections from the audience. Mrs. Sherwood explained her husband had passed away during the approval period of her last temporary use permit; however, she is in need of care. Mrs. Sherwood stated the caregiver will be Mary Beardsley.

Mr. Topping made a motion to approve the Temporary Use Permit for three years to allow a RV for a caregiver’s residence. Mr. Shephard seconded the motion, and the motion carried.

### ***T2009-0015***

***Gladys Jackson – Temporary Use Permit for three years to allow a RV as a care receiver’s residence.***

Tom Corwin, representative for the applicant, was present and requested a Temporary Use Permit (TUP) for three years to allow a RV as a care receiver’s residence. There were seven notices sent. Of the seven notices sent, one was returned in favor and none were returned in objection. There were objections from the audience. Mr. Corwin explained his wife is in need of care and they live in a motor home on property owned by Gladys Jackson. Mr. Corwin stated Don Jackson, Mrs. Jackson’s son, resides in a mobile home on the property. Mr. Corwin explained he has medical conditions of his own and requires assistance along with his wife. Mr. Topping asked Mr. Corwin if he lives on the property full-time, in which, Mr. Corwin

stated he only lives in Sumter County during the winter months. Mr. Topping asked Mr. Corwin who assists him with the care of Mrs. Corwin when he is traveling, in which Mr. Corwin stated family members. Tom and Barbara Henderson, adjoining property owners, spoke in objection to the temporary use permit approval. Mr. Henderson stated the road is an easement and the motor home deteriorates the road. Mr. Berry asked Mr. Cornelius if there is a requirement for the caregiver/care receiver to be family. Mr. Cornelius stated there is not. Mr. Topping stated he believed a temporary use permit is to allow long term caregiver/receiver assistance. Mr. Szczepanski asked Mrs. Webb if there are any requirements for the property owner to be either the caregiver or care receiver. Mrs. Webb stated there are no such requirements in the Sumter County Land Development Code.

Mr. Berry asked if it would be acceptable for him to recuse himself from voting, even if he has no financial interest in the outcome of the vote, due to being friends with the applicant and opposers. Mr. Smith stated Mr. Berry could recuse himself.

Mr. Topping made a motion to deny the Temporary Use Permit due to the applicant not demonstrating the need for a second residence for full-time care assistance. Mr. Szczepanski seconded the motion, and the motion carried.

**T2009-0016**

***Cora Wareham, Trustee - Temporary Use Permit for three years to allow a RV as a caregiver's residence.***

Cora Wareham, applicant, was present and requested a Temporary Use Permit (TUP) for three years to allow a RV as a caregiver's residence. There were three notices sent. Of the three notices sent, one was returned in favor and one was returned in objection. Mrs. Cassels read the letter of objection into the record. There were objections from the audience. Ms. Wareham discussed her move to Sumter County and the original purchase of her property; stated she was told she has legal access to the property. Mr. Story asked Ms. Wareham if she requires a caregiver. Ms. Wareham stated suffers from vertigo and she is having surgery in July and will require assistance at that time. Mr. Story asked Ms. Wareham about the size of her mobile home and whether or not her son could live with her. Ms. Wareham stated her son wishes to have a place of his own. Mr. Topping asked Mrs. Webb if the doctor's statement should be signed by a medical doctor and not by an ARNP. Mrs. Webb explained an ARNP can write prescriptions and sign medical forms.

Annabel Martinez, neighbor, stated she is concerned about Ms. Wareham's living on the property as a caregiver, due to being a registered sexual predator and living in close proximity to children. She also stated Ms. Wareham uses the corner of Ms. Martinez's property to access her own property. Mrs. Martinez stated the property owned by Ms. Wareham has two mobile homes and a RV, which the TUP is for. Mr. Smith stated the Zoning and Adjustment Board (ZAB) can not take the sexual predator information into account. Renee Floyd, neighbor, stated she is also concerned about the potential sexual predator issues.

Mrs. Webb stated Ms. Wareham had a code enforcement case due to a mobile home being brought onto the property without permits. Ms. Wareham has obtained a demolition permit to remove or demolish the mobile home. If the mobile home is not removed or demolished within six months from the date of issuance of the demolition permit, the code enforcement case will become active again. Mrs. Webb stated any motion made regarding the TUP should include the condition that the TUP shall become null and void if the mobile home is not removed or demolished prior to the expiration of the demolition permit.

John Harvey, neighbor, stated he returned the letter in favor; however he wishes to object as further information has been revealed. He stated Ms. Wareham is a good person whom he has had no issues with, but feels her home is large enough to support Ms. Wareham and her son.

Ms. Wareham stated her son is trying to start a new life and wishes to put the past behind him.

Mr. Topping made a motion to deny the Temporary Use Permit for a RV for three years as a caregiver's residence, as he believes the caregiver could live in the principal dwelling unit on the premises. Mr. Berry seconded the motion.

Mr. Shephard stated he would like to request a discussion. Mr. Shephard explained he doesn't see a reason for denial in this case since the ZAB has never questioned living arrangements before. Mr. Cole stated the Board would not be reviewing this request had Ms. Wareham's son had chosen to live in the primary residence.

A vote was then taken. The motion died with a roll call vote: Frank Szczepanski – nay, Bob Hunt – nay, Brad Shephard – nay, Richard Cole – nay, Dossie Singleton – nay, Bailey Cassels – nay, Ron Berry – aye, Nathan Yoder – aye, Marge Thies – aye, Larry Story – aye, Frank Topping – aye.

Mr. Cole made a motion to approve the Temporary Use Permit for three years to allow a RV as a caregiver's residence with a condition the additional mobile home is removed or demolished within six months of the date of issuance of the demolition permit or the Temporary Use Permit will expire at that time. Mr. Shephard seconded the motion, and the motion carried with the following roll call vote: Frank Szczepanski – aye, Bob Hunt – aye, Brad Shephard – aye, Richard Cole – aye, Dossie Singleton – aye, Bailey Cassels – aye, Ron Berry – nay, Nathan Yoder – nay, Marge Thies – nay, Larry Story – nay, Frank Topping – nay.

#### **R2009-0010**

##### ***Lila Fitzpatrick – Rezone 5 acres MOL from a non-compliant A5 & RR to RR5C.***

Lila Fitzpatrick, applicant, and Michael Schreiner, representative for the applicant, were present and requested a rezoning on 5 acres MOL from a non-compliant A5 and RR to RR5C to bring the property to the correct zoning district for the parcel size. There were five notices sent. Of the five notices sent, one was returned in objection and none were returned in favor. Mrs. Cassels read the letter of objection into the record. There were no objections from the audience. Mrs. Webb stated the reason for the request was due to the property owner adding additional land to their parcel.

Mr. Topping made a motion to recommend approval to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

#### **SS2009-0004**

##### ***Wachovia Bank, N.A. – Small Scale Land Use Amendment on 2.61 acres MOL from Commercial to Rural Residential***

Richard Halligan, representative for the applicant, was present and requested a Small Scale Land Use Amendment on 2.61 acres MOL from Commercial to Rural Residential. There were five notices sent. Of the five notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience.

Mrs. Webb stated in 2007 this property was the subject of a Small Scale Land Use Amendment from Rural Residential to Commercial for a day care center. The property has since been foreclosed on and the new owners wish to utilize the property as a residence.

Mr. Topping made a motion to recommend approval of the Small Scale Land Use Amendment to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

#### **R2009-0011**

##### ***Wachovia Bank, N.A. – Rezone on 2.61 acres MOL from CP (Planned Commercial) to RR1C***

Richard Halligan, representative for the applicant, was present and requested a rezoning on 2.61 acres MOL from CP (Planned Commercial) to RR1C. There were five notices sent. Of the five notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Topping made a motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

### **Board Discussion**

The Board discussed the required submittal information for TUP's, who should sign a doctor's statement, and requiring a relationship between caregiver's/care receiver's and the owner of the property. The Board also requested Mr. Cornelius discuss with Mr. Arnold, County Administrator, the requirements for the TUP for a caregiver/care receiver.

Mr. Cole made a motion to adjourn at 7:35 p.m. Mr. Topping seconded the motion and the motion carried.

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Larry Story, Chairman  
Zoning and Adjustment Board